

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA
upon the relation and
for the use of the
TENNESSEE VALLEY AUTHORITY
Plaintiff

v.

AN EASEMENT AND RIGHT-OF-WAY
OVER 0.50 ACRE OF LAND, MORE
OR LESS, IN MONTGOMERY COUNTY,
TENNESSEE

DAVID H. DABBS
CHLOE B. DABBS, his wife
Defendants

Civil Action No. 3:06-CV-00158
Judge Wiseman

JUDGMENT AND ORDER DISBURSING FUNDS

This action came on to be considered, and it appears to the Court, as evidenced by the signatures below, that Plaintiff and the Defendants have agreed to resolve this action as hereinafter provided.

It is, therefore, Ordered and Adjudged that:

1. The Defendants shall recover of Plaintiff \$18,000 as full compensation for the taking of the easement and right-of-way herein condemned, which amount has been deposited by Plaintiff in this action, of which amount \$8,100, together with applicable interest earned thereon, has been disbursed to the Defendants by prior order of this Court (DN 10), leaving a balance of \$9,900 on deposit in this action, the disbursement of which is provided for in paragraph 3 below.

2. The Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this Court in the amount of \$9,900, payable to David H. Dabbs and

Chloe B. Dabbs, in full satisfaction of this Judgment and Order Disbursing Funds (Judgment), and to mail said check to Clark H. Tidwell, Esq., Lassiter, Tidwell, Davis, Keller & Hogan, PLLC, 150 Fourth Avenue North, One Nashville Place, Suite 1850, Nashville, Tennessee 37219-2408.

3. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on February 28, 2006 (DN 2), is hereby fully and finally confirmed with respect to the easement and right-of-way described below (said description being the same as Exhibit A to the Declaration of Taking filed herein):

A permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with sufficient wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said right-of-way, together with the right to clear said right-of-way and keep the same clear of all trees, brush, buildings, signboards, billboards, stored personal property, and fire hazards, to destroy or otherwise dispose of such trees and brush, to prevent the drilling or sinking of wells within said right-of-way, and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within ten feet of any transmission line structure or conductor located thereon, the plaintiff to remain liable for any direct physical damage to the land, annual crops, fences, and roads resulting directly from the operations of the construction and maintenance forces of plaintiff in and about the erection and maintenance thereof, all upon, under, over, and across the following-described land:

TRACT NO. CMT-192

A parcel of land located in the Eleventh Civil District of Montgomery County, State of Tennessee, as shown on a map entitled "Cumberland - Montgomery Transmission Line," drawing LW-8429, sheet P8, R.1, the portion of said map which shows said parcel of land being attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

Commencing at a point which is a common corner in the lands of David H. Dabbs, et ux., Sherry P. McConnaghy, and others; thence leaving the said common corner and with the property line between David H. Dabbs, et ux., and Sherry P. McConnaghy, S. 80° 03' 13" E., 393.97 feet to a point on the west right-of-way line of the transmission line location, the said point being the POINT OF BEGINNING.

Thence leaving the point of beginning and the said west right-of-way line of the location and continuing with the said property line S. $80^{\circ} 03' 13''$ E., 92.71 feet, crossing the centerline of the location at survey station 1799+06.6 (88.03 feet), to a point which is a common corner in the lands of David H. Dabbs, et ux., Sherry P. McConnaghy, and Joseph G. Bradberry, the said point being 4.65 feet right of the centerline of the location at survey station 1799+06.04; thence leaving the said common corner and the said property line and with the property line between David H. Dabbs, et ux., and Joseph G. Bradberry S. $10^{\circ} 05' 55''$ W., 147.60 feet, crossing the centerline of the location at survey station 1798+64.9 (41.45 feet), to a point which is a common corner in the lands of David H. Dabbs, et ux., Joseph G. Bradberry, and Mike A. Bradberry, the said point being 11.92 feet left of the centerline of the location at survey station 1797+59.38; thence leaving the said common corner and the said property line and with the property line between David H. Dabbs, et ux., and Mike A. Bradberry, S. $12^{\circ} 24' 03''$ W., 140.12 feet to a point, the said point being an iron pin (found) 33.23 feet left of the centerline of the location at survey station 1796+20.89; thence continuing with the said property line N. $81^{\circ} 27' 43''$ W., 54.47 feet to a point on the aforementioned west right-of-way line of the location; thence leaving the said property line and with the said west right-of-way line of the location N. $03^{\circ} 39' 06''$ E., 290.68 feet to the point of beginning and containing 0.50 acre, more or less.

Recording Information: Record landowners as of the date of the filing of the Declaration of Taking — David H. Dabbs and Chloe B. Dabbs, his wife (Volume 437, page 2500).

Tax map 63, parcel 7.12

5. The Clerk of this Court shall furnish to Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

It is so ORDERED.



Thomas A. Schimmeck, Jr.
United States District Judge